S.B. CIVIL WRIT PETITON NO.1479/1998.

MEWAR COLD TECH TYRES PVT. LTD.
VS.
JODHPUR VIDHYUT VITRAN NIGAM LTD. & ANR.

DATE OF ORDER : 18.07.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. J.L. Purohit for the petitioner.
Mr. Ravi Bhansali for the respondents.

An application is preferred on behalf of the petitioner to substitute Jodhpur Vidhyut Vitran Nigam Ltd., Jodhpur as respondent No.1 and to substitute the Assistant Engineer (Rural), Jodhpur Vidhyut Vitran Nigam Ltd., Jodhpur in place of the present respondent No.2.

The application is allowed, substitution as desired is ordered to be made. Amended cause title has already been filed, same be taken on record.

The petitioner – a consumer of Rajasthan State Electricity Board raised a dispute before Zonal Level Settlement Committee, Jodhpur against billing of 34,860 Units in the Electricity Consumption Billing month of March 1997 involving disputed amount of Rs.84,000/-.

The contention of the consumer before the Zonal Level Settlement Committee was that the monthly consumption of energy by the industrial Unit always remained between 4000 Units according to available job work, but for the billing month of March 1997, an excess consumption of 34,860 Units was recorded.

The Zonal Level Settlement Committee examined the entire record and for the reason that KWH Meter No.8100882 was replaced by new static meter in the month of November' 1997, and thereafter the consumption in January' 1998 was recorded as 7290 Units, revised electricity consumption of the petitioner @ 7,290 Units per month for the billing months commencing from November' 1996 to May' 1997.

A challenge is given to the decision of the Settlement Committee to the extent it ordered to revise electricity consumption bills relating to the month of November' 1996 to May' 1997 @ 7,290 per month.

The contention of counsel for the petitioner is that the Zonal Level Settlement Committee could not have been revised electricity bills beyond the dispute in question and the dispute was relating to month of March' 1997 only.

A reply to the writ petition has been filed on behalf of the respondent Board stating therein that there was no error in the order passed by the Zonal Level Settlement Committee as the same is based on proper verification of electricity consumption readings recorded during the period concerned.

Heard learned counsel for the parties.

The petitioner raised a dispute with regard to excess billing of electricity consumption in the month of March' 1997 and the Zonal Level Settlement Committee accepted the complaint made by the petitioner, however, on basis of billing for the month of January' 1998, order was made to revise electricity consumption billing for the months commencing from November' 1996 to May' 1997.

As a matter of fact, the energy consumption for the period aforesaid was not at all in dispute. The only question available for adjudication to the settlement committee was relating to the month of March 1997. The settlement committee, therefore, should have confined its decision to the dispute raised before it. In the background as stated above, I am of the considered opinion that the settlement committee erred while

making an order to revise electricity consumption bills for the months commencing from November' 1996 to May' 1997.

Accordingly, the order dated 20.03.1998 (Annexure 7) passed by the Zonal Level Settlement Committee is declared illegal to the extent it orders to revise electricity / energy consumption bill for the period commencing from November' 1996 to May' 1997 except for the month of March' 1997. In specific terms, the order dated 20.03.1998 passed by the Zonal Level Settlement Committee be treated revised only for the month of March' 1997 @ 7,290 Units.

The writ petition is disposed of accordingly.

(GOVIND MATHUR)J.

Anil/